

**EXCERPT FROM THE
REPORT OF THE JUDICIAL CONFERENCE
COMMITTEE ON RULES OF PRACTICE AND PROCEDURE**

**TO THE CHIEF JUSTICE OF THE UNITED STATES AND MEMBERS OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES:**

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FEDERAL RULES OF BANKRUPTCY PROCEDURE

Rules Recommended for Approval and Transmission

The Advisory Committee on Bankruptcy Rules submitted proposed amendments to Rules 1011, 2002, and 9014 and new Official Form 21 with a recommendation that they be approved and transmitted to the Judicial Conference. The amendment to Rule 9014 was circulated to the bench and bar for comment in August 2002. The scheduled public hearing on the proposed rule amendment was canceled because no one asked to testify. The amendments to Rules 1011 and 2002 and new Official Form 21 are technical or conforming and were not published for public comment.

The proposed amendment to Rule 9014 exempts “contested matters” from the mandatory disclosure provisions of Rule 26 of the Federal Rules of Civil Procedure, which apply to bankruptcy proceedings in accordance with Rule 7026. Contested matters often involve time-sensitive matters. They typically are resolved well before the time when disclosure is required under Rule 26, rendering the mandatory disclosure provisions ineffective and counterproductive. The mandatory disclosure requirements, however, continue to apply to adversary proceedings and may apply in individual contested matters if directed by the court or the judge.

The proposed amendment to Rule 1011 changes the reference to Rule 1004 to conform with a recent amendment of that rule. Rule 2002 would be amended to specify that copies of

notices to creditors in a chapter 11 case must be sent to the address for the Internal Revenue Service set out in the Rule 5003(e) mailing-address register.

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The Committee concurred with the advisory committee's recommendations.

Recommendation: That the Judicial Conference:

- a. approve the proposed amendments to Bankruptcy Rules 1011, 2002, and 9014 and transmit them to the Supreme Court for its consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law;

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